

**§§ 304.32—304.39 [Reserved]**

**Subpart E—How Does an SEA Make a Subgrant?**

**§ 304.40 Amount of a subgrant to an LEA or IEU.**

(a) The SEA shall determine the amount of a subgrant to an LEA or IEU based on—

(1) The size, scope, and quality of the proposed project; and

(2) Any other relevant criteria developed by the SEA and included in the SEA application approved by the Secretary.

(b) The SEA may establish minimum and maximum amounts for subgrants.

(Authority: 20 U.S.C.1406)

**§ 304.41 Reallocation of excess funds.**

(a) The SEA may reallocate funds provided for subgrants under this part if an LEA or IEU cannot use the funds in a manner consistent with the requirements of section 607 of the Individuals with Disabilities Education Act and the requirements in this part.

(b) The SEA shall reallocate funds in accordance with the criteria and priorities for approving subgrants in its approved application.

(Authority: 20 U.S.C. 1406)

[50 FR 29330, July 18, 1985, as amended at 56 FR 54689, Oct. 22, 1991]

**§§ 304.42—304.49 [Reserved]**

**Subpart F—What Conditions Must Be Met by an SEA, LEA, or IEU?**

**§ 304.50 Standards for the removal of architectural barriers.**

The alteration of existing buildings and equipment under this part must be done consistently with standards adopted by the General Services Administration (GSA) under Pub. L. 90-480, the Architectural Barriers Act of 1968. However, the dimensions set out in those standards may be modified as appropriate considering the age groups

of the individuals who will use the buildings or equipment.

NOTE: On August 7, 1984, the GSA adopted new standards under the Architectural Barriers Act (49 FR 31528) and incorporated them by reference at 41 CFR 101-19.603 (49 FR 31625).

(Authority: 20 U.S.C. 1406)

**§ 304.51 Project priorities.**

(a) An SEA may establish priorities for the use of funds made available under this part. The SEA may, for example, give special consideration to projects that will meet the special needs of urban or rural locations, or that will facilitate the transition of children with disabilities and individuals with disabilities from school to work.

(b) The Secretary encourages States to use their funds for activities that will—

(1) Make available to children with disabilities the variety of educational programs and services available to non-disabled children in the area served by the LEA or IEU;

(2) Provide nonacademic and extra-curricular services and activities in a manner that affords children with disabilities opportunity for participation in these services and activities; and

(3) Provide assessability to individuals with disabilities involved in the education of children with disabilities or eligible to participate in programs administered by LEAs and IEUs.

(Authority: 20 U.S.C. 1406)

[50 FR 29330, July 18, 1985, as amended at 56 FR 54689, Oct. 22, 1991]

**§ 304.52 Project requirements.**

To the extent practicable, funds made available under this part that are appropriated under Pub. L. 98-8 must be utilized to create new employment opportunities for the unemployed, as required by Pub. L. 98-8, section 101(c).

(Authority: Pub. L. 98-8, sec. 101(c); 97 Stat. 31-32 (1983))